

Senate File 392 - Reprinted

SENATE FILE 392
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1206)

(As Amended and Passed by the Senate March 17, 2015)

A BILL FOR

1 An Act relating to hunter education license requirements,
2 providing for a hunting license with an apprentice hunter
3 designation, and including penalty provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 483A.7, subsection 3, paragraph a, Code
2 2015, is amended to read as follows:

3 a. A nonresident wild turkey hunter is required to purchase
4 a nonresident hunting license that includes the wildlife
5 habitat fee and a nonresident wild turkey hunting license. The
6 commission shall annually limit to two thousand three hundred
7 licenses the number of nonresidents allowed to have wild turkey
8 hunting licenses. Of the two thousand three hundred licenses,
9 one hundred fifty licenses shall be valid for hunting with
10 muzzle loading shotguns only. The commission shall allocate
11 the nonresident wild turkey hunting licenses issued among the
12 zones based on the populations of wild turkey. A nonresident
13 applying for a wild turkey hunting license must exhibit proof
14 of having successfully completed a hunter ~~safety and ethics~~
15 education program as provided in section 483A.27 or its
16 equivalent as determined by the department before the license
17 is issued.

18 Sec. 2. Section 483A.8, subsection 3, paragraph d, Code
19 2015, is amended to read as follows:

20 d. The commission shall allocate all nonresident deer
21 hunting licenses issued among the zones based on the
22 populations of deer. However, a nonresident applicant may
23 request one or more hunting zones, in order of preference, in
24 which the applicant wishes to hunt. If the request cannot
25 be fulfilled, the applicable fees shall be returned to the
26 applicant. A nonresident applying for a deer hunting license
27 must exhibit proof of having successfully completed a hunter
28 ~~safety and ethics~~ education program as provided in section
29 483A.27 or its equivalent as determined by the department
30 before the license is issued.

31 Sec. 3. Section 483A.24, subsection 3, paragraph a, Code
32 2015, is amended to read as follows:

33 a. Fifty of the nonresident deer hunting licenses shall be
34 allocated as requested by a majority of a committee consisting
35 of the majority leader of the senate, speaker of the house

1 of representatives, and director of the economic development
2 authority, or their designees. The licenses provided pursuant
3 to this subsection shall be in addition to the number of
4 nonresident licenses authorized pursuant to section 483A.8.
5 The purpose of the special nonresident licenses is to allow
6 state officials and local development groups to promote the
7 state and its natural resources to nonresident guests and
8 dignitaries. Photographs, videotapes, or any other form
9 of media resulting from the hunting visitation shall not
10 be used for political campaign purposes. The nonresident
11 licenses shall be issued without application upon purchase of a
12 nonresident hunting license that includes the wildlife habitat
13 fee and the purchase of a nonresident deer hunting license.
14 The licenses are valid in all zones open to deer hunting. The
15 hunter ~~safety and ethics~~ education certificate requirement
16 pursuant to section 483A.27 is waived for a nonresident issued
17 a license pursuant to this subsection.

18 Sec. 4. Section 483A.24, subsection 4, paragraph a, Code
19 2015, is amended to read as follows:

20 a. Fifty of the nonresident wild turkey hunting licenses
21 shall be allocated as requested by a majority of a committee
22 consisting of the majority leader of the senate, speaker of
23 the house of representatives, and director of the economic
24 development authority, or their designees. The licenses
25 provided pursuant to this subsection shall be in addition
26 to the number of nonresident licenses authorized pursuant
27 to section 483A.7. The purpose of the special nonresident
28 licenses is to allow state officials and local development
29 groups to promote the state and its natural resources to
30 nonresident guests and dignitaries. Photographs, videotapes,
31 or any other form of media resulting from the hunting
32 visitation shall not be used for political campaign purposes.
33 The nonresident licenses shall be issued without application
34 upon purchase of a nonresident hunting license that includes
35 the wildlife habitat fee and the purchase of a nonresident wild

1 turkey hunting license. The licenses are valid in all zones
2 open to wild turkey hunting. The hunter ~~safety and ethics~~
3 education certificate requirement pursuant to section 483A.27
4 is waived for a nonresident issued a license pursuant to this
5 subsection.

6 Sec. 5. Section 483A.24, subsection 5, paragraph e, Code
7 2015, is amended to read as follows:

8 e. A disabled person who receives a special license under
9 this subsection shall complete the hunter ~~safety and ethics~~
10 education course.

11 Sec. 6. Section 483A.24, subsection 12, paragraph d, Code
12 2015, is amended to read as follows:

13 d. A nonresident who receives a special license pursuant to
14 this subsection shall purchase a hunting license that includes
15 the wildlife habitat fee and the applicable nonresident turkey
16 or deer hunting license, but is not required to complete the
17 hunter ~~safety and ethics~~ education course if the person is
18 accompanied and aided by a person who is at least eighteen
19 years of age. The accompanying person must be qualified to
20 hunt and have a hunting license that includes the wildlife
21 habitat fee. During the hunt, the accompanying adult must be
22 within arm's reach of the nonresident licensee.

23 Sec. 7. Section 483A.27, Code 2015, is amended to read as
24 follows:

25 **483A.27 Hunter ~~safety and ethics~~ education program — license**
26 **requirement.**

27 1. A person born after January 1, 1972, shall not obtain a
28 hunting license unless the person has satisfactorily completed
29 a hunter ~~safety and ethics~~ education course approved by the
30 commission. A person who is eleven years of age or more
31 may enroll in an approved hunter ~~safety and ethics~~ education
32 course, but a person who is eleven years of age and who has
33 successfully completed the course shall be issued a certificate
34 of completion which becomes valid on the person's twelfth
35 birthday. A certificate of completion from an approved hunter

1 ~~safety and ethics~~ education course issued in this state, or a
2 certificate issued by another state, country, or province for
3 completion of a course that meets the standards adopted by the
4 international hunter education association — United States of
5 America, is valid for the requirements of this section.

6 2. a. A certificate of completion shall not be issued
7 to a person who has not satisfactorily completed ~~a minimum~~
8 ~~of ten hours of training in~~ an approved hunter ~~safety and~~
9 ~~ethics~~ education course. The department shall establish the
10 curriculum based on the standards adopted by the international
11 hunter education association — United States of America for
12 ~~the first ten hours of an the~~ approved hunter ~~safety and ethics~~
13 education course ~~offered in this state~~. Upon completion
14 of the ~~ten-hour curriculum~~ course, each person shall pass
15 an individual oral test or a written test provided by the
16 department. The department shall establish the criteria for
17 successfully passing the tests. Based on the results of
18 the test and demonstrated safe handling of a firearm, the
19 instructor shall determine the persons who shall be issued a
20 certificate of completion.

21 b. Notwithstanding paragraph "a", a resident who is eighteen
22 years of age or older may obtain a certificate of completion
23 without demonstrating the safe handling of a firearm.

24 3. The department shall provide a manual regarding hunter
25 ~~safety and ethics~~ education which shall be used by all
26 instructors and persons receiving hunter ~~safety and ethics~~
27 education training in this state. The department may produce
28 the manual in a print or electronic format accessible from
29 a computer, including from a data storage device or the
30 department's internet site.

31 4. The department shall provide for the certification of
32 persons who wish to become hunter ~~safety and ethics~~ education
33 instructors. A person shall not act as an instructor in
34 hunter ~~safety and ethics~~ education as provided in this section
35 without first obtaining an instructor's certificate from the

1 department.

2 5. An officer of the department or a certified instructor
3 may issue a certificate to a person who has not completed
4 the hunter ~~safety and ethics~~ education course but meets the
5 criteria established by the commission.

6 6. A public or private school accredited pursuant to section
7 256.11 or an organization approved by the department may
8 cooperate with the department in providing a course in hunter
9 ~~safety and ethics~~ education or shooting sports activities as
10 provided in this section.

11 7. A hunting license obtained under this section by a
12 person who gave false information or presented a fraudulent
13 certificate of completion shall be revoked and a new hunting
14 license shall not be issued for at least two years from the
15 date of conviction. A hunting license obtained by a person
16 who was born after January 1, 1972, but has not satisfactorily
17 completed the hunter ~~safety and ethics~~ education course or has
18 not met the requirements established by the commission, shall
19 be revoked.

20 8. The commission shall adopt rules in accordance with
21 chapter 17A as necessary to carry out the administration of
22 this section.

23 9. The initial hunter ~~safety~~ education certificate shall be
24 issued without cost. A duplicate certificate shall be issued
25 ~~at a cost of three dollars~~ upon payment of the writing fee and
26 administrative fee, if applicable.

27 10. A person under eighteen years of age who is required
28 to exhibit a valid hunting license, shall also exhibit a valid
29 certificate of completion from a state approved hunter ~~safety~~
30 ~~and ethics~~ education course upon request of an officer of the
31 department. A failure to carry or refusal to exhibit the
32 certificate of completion as provided in this subsection is a
33 violation of this chapter. A violator is guilty of a simple
34 misdemeanor as provided in section 483A.42.

35 11. An instructor certified by the department shall be

1 allowed to conduct a department-approved hunter ~~safety and~~
2 ~~ethics~~ education course or shooting sports activities course
3 on public school property with the approval of a majority of
4 the board of directors of the school district. Conducting
5 an approved hunter ~~safety and ethics~~ education course or
6 shooting sports activities course is not a violation of any
7 public policy, rule, regulation, resolution, or ordinance which
8 prohibits the possession, display, or use of a firearm, bow and
9 arrow, or other hunting weapon on public school property or
10 other public property in this state.

11 Sec. 8. NEW SECTION. **483A.27A Apprentice hunters.**

12 1. Notwithstanding section 483A.27, a person who is sixteen
13 years of age or older may purchase a hunting license with an
14 apprentice hunter designation on the license without first
15 completing a hunter education course if the person meets all
16 the requirements of this section.

17 2. If the apprentice hunter is a minor, the person must
18 be accompanied and aided while hunting by a mentor who is the
19 person's parent or guardian, or be accompanied and aided by any
20 other competent adult mentor with the consent of the minor's
21 parent or guardian. If the apprentice hunter is not a minor,
22 the apprentice hunter must be accompanied and aided while
23 hunting by a competent adult mentor.

24 3. The mentor and the apprentice hunter must have valid
25 hunting licenses that include the wildlife habitat fee and that
26 are valid for the same seasons to hunt game.

27 a. A resident mentor and a resident apprentice hunter
28 must also purchase deer hunting licenses and tags to hunt
29 deer and wild turkey hunting licenses and tags to hunt wild
30 turkey. Deer hunting licenses and tags purchased by a resident
31 mentor and a resident apprentice hunter must be valid for the
32 same seasons and zones. When hunting wild turkey a resident
33 mentor having a license valid for one of the spring wild turkey
34 hunting seasons may accompany and aid a resident apprentice
35 hunter who has a valid wild turkey hunting license for any of

1 the spring seasons as provided by rule. When hunting wild
2 turkey in the fall, a resident mentor and a resident apprentice
3 hunter must each have a fall wild turkey hunting license
4 valid for the current year. A transportation tag issued to a
5 resident apprentice hunter shall not be used to tag a deer or
6 wild turkey taken by another person.

7 **b.** A nonresident apprentice hunter is not entitled to
8 purchase a deer hunting license to hunt deer or a wild turkey
9 hunting license to hunt wild turkey, or to participate in a
10 hunt for deer or wild turkey.

11 **4.** While hunting, the apprentice hunter must be under the
12 direct supervision of the mentor. For the purposes of this
13 subsection, "*direct supervision*" means the mentor must maintain
14 constant direction and control of the apprentice hunter and
15 stay within a distance from the apprentice hunter that enables
16 the mentor to give uninterrupted, unaided visual and auditory
17 communications to the apprentice hunter. There must be one
18 licensed mentor in direct supervision of each apprentice
19 hunter.

20 **5.** A hunting license with an apprentice hunter designation
21 issued pursuant to this section is valid from the date issued
22 to January 10 of the succeeding calendar year for which
23 it is issued. A hunting license with an apprentice hunter
24 designation shall contain the address, signature, and a general
25 description of the licensee.

26 **6.** A person is eligible to obtain a hunting license with an
27 apprentice hunter designation pursuant to this section only two
28 times. Subsequently, the person must meet the requirements of
29 section 483A.27 in order to obtain a hunting license.

30 **7.** The commission shall adopt rules pursuant to chapter 17A
31 to administer this section.

32 **Sec. 9.** Section 484B.10, subsection 3, Code 2015, is amended
33 to read as follows:

34 **3.** A nonresident youth under sixteen years of age may hunt
35 game birds on a licensed hunting preserve upon securing an

1 annual hunting preserve license restricted to hunting preserves
2 only for a license fee of five dollars and payment of the
3 wildlife habitat fee. A nonresident youth is not required
4 to complete the hunter ~~safety and ethics~~ education course to
5 obtain a hunting preserve license pursuant to this subsection
6 if the youth is accompanied by a person who is at least
7 eighteen years of age, is qualified to hunt, and possesses a
8 valid hunting license that includes the wildlife habitat fee.
9 During the hunt, the accompanying adult must be within arm's
10 reach of the nonresident youth.

11 Sec. 10. Section 805.8B, subsection 3, paragraph b, Code
12 2015, is amended to read as follows:

13 b. For violations of sections 481A.54, 481A.69, 481A.71,
14 481A.72, 482.6, 483A.3, 483A.6, 483A.19, ~~and~~ 483A.27, and
15 483A.27A, the scheduled fine is twenty dollars.